

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

SHEILA SISK,)	
)	
Plaintiff,)	
)	No. 1:09-CV-220
v.)	
)	Chief Judge Curtis L. Collier
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

JUDGMENT ORDER

Plaintiff Sheila Sisk (“Plaintiff”) brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner” or “Defendant”) denying Plaintiff disability insurance benefits and supplemental security income benefits. The Court referred the matter to United States Magistrate Judge Susan K. Lee pursuant to 28 U.S.C. § 636(b)(1) and both parties filed motions for judgment (Court File Nos. 13, 18). Plaintiff moved this Court for judgment on the pleadings and seeks the award of benefits, or in the alternative, a remand to the Commissioner (Court File No. 13). Defendant filed a motion for summary judgment (Court File No. 18). In accordance with Rule 72(b) of the Federal Rules of Civil Procedure, the magistrate judge filed a report and recommendation (“R&R”) recommending Plaintiff’s motion for judgment on the pleadings be granted, Defendant’s motion for summary judgment be denied, and the decision of the Commissioner be reversed and this action be remanded (Court File No. 21). Neither party filed a timely objection.

After reviewing the record, this Court agrees with the R&R. The Court hereby **ACCEPTS** and **ADOPTS** the magistrate judge's findings of fact, conclusions of law, and recommendations pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b).

Accordingly, the Court **ORDERS**:

- (1) Plaintiff's motion for judgment on the pleadings seeking remand (Court File No. 13) is **GRANTED**.
- (2) Defendant's motion for summary judgment (Court File No. 18) is **DENIED**.
- (3) The Commissioner's decision is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for action consistent with the R&R (Court File No. 21).

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE